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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2663	8

DATE MAILED: 02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/253,418	Sherer et al.
Examiner	**Group Art Unit**
Toan Nguyen	2663

☒ Responsive to communication(s) filed on *Feb 19, 1999*

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-3 and 6-15* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-3 and 6-15* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 09/253,418

Art Unit: 2663

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which form the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adelmann et al. (U.S. Patent 4,748,620) in view of Badger et al. (U.S. Patent 5,606,559).

As to claim 1, Adelmann et al. disclose a network adaptor driver comprising:

an interface for receiving data, said data received for a plurality of destinations, wherein data for a particular destination is received having a particular relationship among individual data units (col. 5 lines 20-22, and col. 5 lines 62-65);

an interface for transmitting packets of data over a network (col. 4 lines 11-15);

a mechanism for handling units of data received based on a destination address of said packets before transmitting on said network in order to improve overall network operation and such that when the data is received at said destination, units of data have the same relationship as when received from the host (col. 20 lines 23-31). Adelmann et al. do not disclose transmitting on said network in order to improve overall network operation. In the analogous art, Badger et al disclose improve overall network operation (col. 1 lines 12-13). It would have been obvious to one of ordinary skill in the art at the time invention, to combine teachings of Badger'system and method for an efficient ATM adapter/device driver interface in Adelmann's time stamp and packet virtual sequence numbering for reconstructing information signals from packets. The motivation/suggestion to do so would have been to have a system and method which simultaneously segments frames into cells and reassembles cells into frames independent of a system or a device driver across an adapter/driver interface will improve performance as suggested by Badger et al. (col. 1 lines 54-57).

As to claim 2, Adelmann et al. disclose wherein said handling is determined solely by the destination address of said packets (col. 20 lines 23-31).

As to claim 3, Adelmann et al. disclose wherein said handling is determined partly by the destination address of said packets and partly by when a packet is received from said host so that packets are distributed over all destinations while minimizing the time to transmission from when

a packet is received from the host for a given packet (col. 19 line 51 to col. 20 line 2).

As to claim 6, Adelmann et al. disclose a method for maximizing network parallelism comprising:

receiving data packets in a first FIFO order (col. 21 lines 42-47);

prior to transmitting said data packets, reordering packets of data based on a destination address of said packets, so that said packets are spread over a number of different network destination paths (col. 20 lines 23-31);

transmitting said packets (col. 20 lines 37-41).

As to claim 7, Adelmann et al. disclose wherein said reordering is determined solely by the destination address of said packets (col. 20 lines 23-31).

As to claim 8, Adelmann et al. disclose wherein said reordering is determined partly by the destination address of said packets and partly by when a packet is received so that packets are distributed over all destinations while minimizing the time to transmission from when a packet is received from the host for a given packet (col. 19 line 51 to col. 20 line 2).

As to claim 9, Adelmann et al. disclose wherein said reordering is determined by a preset, nonadjustable scheme (col. 8 lines 55-59).

As to claim 10, Adelmann et al. disclose wherein said reordering is determined by a programmable scheme which takes into account differences in speed and performance paths to particular destinations to maximize network parallelism (col. 6 lines 1-10).

As to claim 11, Adelmann et al. disclose a network adaptor driver comprising:

an interface for receiving data, said data received for a plurality of destinations (col. 5 lines 20-22, and col. 5 lines 62-65);

an interface for transmitting packets of data over a network (col. 4 lines 11-15);

a mechanism for scheduling units of data received based on a destination address of said packets before transmitting on said network in order to improve overall network operation and such that when the data is received at said destination, units of data have the same relationship as when received from the host (col. 20 lines 23-31). Adelmann et al. do not disclose transmitting on said network in order to improve overall network operation. In the analogous art, Badger et al disclose improve overall network operation (col. 1 lines 12-13). It would have been obvious to one of ordinary skill in the art at the time invention, to combine teachings of Badger'system and method for an efficient ATM adapter/device driver interface in Adelmann's time stamp and packet virtual sequence numbering for reconstructing information signals from packets. The motivation/suggestion to do so would have been to have a system and method which simultaneously segments frames into cells and reassembles cells into frames independent of a system or a device driver across an adapter/driver interface will improve performance as suggested by Badger et al. (col. 1 lines 54-57).

As to claim 12, Adelmann et al. disclose wherein said scheduling is determined partly by the destination address of said packets and partly by when a packet is received so that packets are distributed over all destinations while minimizing the time to transmission from when a packet is received from the host for a given packet (col. 19 line 51 to col. 20 line 2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by McClure et al. (U.S. Patent 5,471,472).

As to claim 13, McClure et al. disclose a multiple access network comprising:

a plurality of nodes, wherein at least one node in said plurality can transmit data units and a plurality of nodes can receive data units (col. 5 lines 9-14);

a transmission media for communicating data units (col. 5 lines 5-7);

wherein a transmitting node network interface schedules and transmits data units on said transmission media in a destination-based order to improve network throughput (col. 4 lines 50-55, and col. 7 lines 15-21).

As to claim 14, McClure et al. disclose said transmitting node network interface has some knowledge about network topology and uses that knowledge to schedule packets that are transmitted on said media (col. 5 lines 9-23, and col. 7 lines 15-21).

As to claim 15, McClure et al. disclose said transmitting node network interface schedules packets transparently to said transmitting node (col. 7 lines 15-25).

Contact Information

5. Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703) 308-9051 or (703) 308-9052 (for formal communications intended for entry)

(703) 306-5406 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

6. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or early communications should be directed to Toan Nguyen whose telephone number is (703) 305-0140. He can be reached Monday through Friday from 7:00am to 4:30pm.

If attempts to teach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached at (703) 308-5340. The fax phone number for this Group is (703)-305-3988.

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone number is (703) 305-4700.

TN

T.N.

HUY D. VU
PRIMARY EXAMINER